

## CENTRAL ADMINISTRATIVE TRIBUNAL

## ALLAHABAD BENCH

THIS THE 2ND DAY OF NOVEMBER, 2000

Original Application No.175 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.BISWAS, MEMBER(A)

1. Bali Ram, S/o Late Mathura Ram  
Chief Inspector (Tickets)  
Northern Railway, Kanpur.  
R/o 458-E, India Optee Railway  
Colony, Kanpur.
2. Arun Kumar Dubey, S/o Shri Salig Ram Dubey  
Commercial Inspector(Law)  
Commercial Branch, D.R.M's Office,  
Northern Railway, Allahabad.
3. Girish Chandra Srivastava  
S/o Shri Raj Babu Srivastava, Booking Supervisor  
Northern Railway, Station Allahabad Jn.  
Allahabad.
4. Ramesh Kumar Dwivedi, S/o Late Damodar  
Prasad Dwivedi, Out-door Enquiry Clerk  
(Public Amenities), Commercial Branch  
D.R.M's Office, Northern Railway  
Allahabad.

...Applicants

(By Adv: Shri S.S.Sharma)

Vs.

1. Union of India owned and represented by  
Northern Railway, Notice to be served  
upon the General Manager, Northern  
Railway, H.Qr Office, Baroda House  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, D.R.M's Office  
Nawab Yusuf Road, Allahabad.

...Respondents

(By Adv: Shri G.P.Agrawal)

O R D E R(Oral)(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application under section 19 of the A.T.Act,1985 the applicants have prayed for a direction to the respondents to fix seniority of the applicants in the grade of Rs.1600-2600(RPS) and from 11.12.1991 the date from which the applicants have been

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selected and included in the panel for promotion in this grade. The facts in short are that the applicants were serving as Enquiry and Reservation Clerk Grade I, Senior Booking Clerks and Senior Grade Clerks. Applicants are presently working on the posts of Commercial Apprentices/Inspector-Cum-Asstt. against graduate quota. Applicants were selected and in December 1991, they were required to complete P-28 A and P-28 B course for being promoted as Commercial Inspector Grade/Commercial Apprentice/Inspector-Cum-Asstt. After completion of training in 1994 applicants were appointed on the promotion basis. They have been given seniority from 1994. Their grievance is that they are entitled for seniority from the date of their selection i.e. 11.12.1991.

It is not disputed that applicants selection was by way of promotion to higher grade. This Tribunal in OA 1232/88 and OA 1376/88 considered this aspects and observed in the following manner:-

"The crucial question to be determined as to whether the applicants were appointed as direct recruits." Relevant rules have been quoted by us and there were 3 mode of recruitments 1st is open recruitment, second by promotion and third by transfer. By no stretch of imagination, it can be said that the applicants were promoted as Supervisor/Coaching Clerks. We are satisfied that the applicants fall within the category of promotees. The said rule has no application."

In the present case it is not disputed that the selection and appointment of applicants after training was by way of promotion. Thus they are not entitled for seniority from the date of their selection.

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Another reason for the aforesaid calculation is that without completion of training applicants <sup>could not</sup> be allowed to join promotion post. They continued their lien in lower post and they cannot be allowed to have lien on two posts at one time, which shall be obvious if seniority is given as claimed.

For the reasons stated above, we do not find any merit in this application. The application is accordingly dismissed.

There will be no order as to costs.

*S. B...*  
MEMBER (A)

*U...*  
VICE CHAIRMAN

Dated: 2.11.2000

Uv/